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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016			JANVIER, JEAN D	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,929

Applicant(s)

LEARNER ET AL.

Examiner

Jean Janvier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7, 9-13, 15, 17, 22 and 26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 9-13, 15, 17, 22 and 26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Response To Applicant's Amendments

Regarding claim 1, it appears that the steps of “repurchasing said brand of specific service or specific product using the remaining discounts on said vehicle” are not supported in the specification or at least the portion referred to by the Applicant in the specification, page 5 and lines 16-28, does not feature the claim amendment. In fact, this portion discloses “providing multi-brand value cards or coupons to those purchasers of more than one brand from the same supplier”. The Applicant is encouraged to provide support for the new claim language to avoid the issuance of a 112(1) rejection. Meanwhile, the claim will be given a broad interpretation.

DETAILED ACTION

Specification

Status of the claims

Claims 1-3, 5, ~~7~~, ~~9~~-13, 15, 17, 22 and 26 are now pending in the Instant Application.

General Comments

Concerning claim 1, although the claim recites the steps of “issuing a vehicle for multiple discounts, a retail establishment reading said vehicle and crediting said high volume customer retail with said discount ”, nevertheless, the claim never expressly discloses **loading or storing** the multiple discounts in the vehicle memory before the customer can receive a credit when the vehicle is read at the retail establishment, as the claim seems to suggest (see claim 2).

Regarding claim 26, the limitations "...wherein said coupons do not have an expiration date" are not within the skills of an ordinary artisan. In fact, all coupons (electronically encoded in the memory of a card or printed on papers) have an expiration data, that is a predefined time period or time stamp after which the coupons (or the promotion associated with the coupons) are no longer applicable or redeemable (as disclosed in the specification). For examination purpose, these limitations will be broadly interpreted.

Claim Objections

Claim 13 is objected to because of the following informalities:

Concerning claim 13, "retail customer" or "...to a selected said high volume retail consumer..." should apparently be --...to a selected high volume retail consumer...--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, 9-12 and 15, 17, 22 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Fajkowski, WO 98/19229.

As per claim 1, Fajkowski discloses a system for providing a coupon card or value card, **from a coupon card issuer**, containing one or more coupons or multiple coupons on a single product or service to a customer, who uses the coupon card for redeeming one or more stored coupons during a transaction at a POS or retail establishment, wherein, upon inserting the customer's unique coupon card 1 into the retail establishment periphery device 100 and detecting the presence of at least one stored coupon associated with a product in the customer's order (when a product UPC code stored on the coupon card matches a product UPC code in the customer's order), a price reduction is applied to the customer's transaction and the retail establishment is subsequently credited or reimbursed for honoring or redeeming the at least one coupon retrieved from the customer's coupon card 1 (See abstract; page 4: 24 to page 9: 7).

Moreover, Fajkowski discloses a system wherein during a transaction process, the periphery device 100 indicates if there is a manufacturer instant rebate for any product currently in the customer's order. In the affirmative, the system or rebate system allows the customer to instantly receive credit for the rebate, while quickly and efficiently supplying the manufacturer with both the **demographic data** and stimulation power the rebate is intended to provide in the first place, wherein the demographic data are used to further measure the effectiveness of the system and to further distribute rebates to the identified user or customer of the coupon card 1 (page 22: 21-24; page 27: 14-31). Additionally, Fajkowski discloses a system, wherein a coupon card service provider, such as a clearinghouse or a third party, **working in conjunction with a manufacturer or product supplier distributes the coupon cards** and coupons to the individual customers on behalf of the manufacturer or product supplier, **thereby relieving the manufacturer or supplier from the mundane tasks of distributing the coupon cards and**

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coupons to the registered customers, while concentrating on developing more effective promotional programs using the customers' transaction data (Said Supplier sending to a valuable, targeted or high volume retail customer a vehicle containing multiple discounts....). Before a customer can receive a coupon card 1 from the coupon card service provider, the customer must initially register with the coupon card service provider by providing, among other things, his demographic information, which helps identify the registered customer utilizing an associated identification or a PIN number at a participating POS during a redemption process. While not shown in FIG. 4a, the coupon card 1 could also be equipped with a "Move" key. If the coupon card user or customer changes his residence, he may press the "Move" key and coupon card 1 will prompt him to enter (using the numeric keys 31 and "Letters" key 37) his new address and telephone number or demographic parameters. The next time coupon card 1 is inserted into a periphery device 100 or POS, the user's new address and telephone number will be transmitted to the coupon card service provider through the server 200 (The coupon card service provider distributes coupon cards to customers who supply demographic information or based on the customers' demographic profile- P. 8: 33 to P. 9: 7; P. 11: 10-33; P. 13: 17-30; P. 17: 31 to P. 18: 3; P. 25: 1-2; P. 39: 26 to P. 40: 7; P. 43: 9-12).

Another component of the system will be a clearinghouse 300, which will receive information on redeemed coupons from the servers of all the retailers participating in the system. The clearinghouse will then use this information from the servers 200 to generate reports for each manufacturer regarding the amounts for which each retailer is entitled as reimbursement. The clearinghouse will also act as a remote database transferring information to the servers for the use and benefit of retailers, manufacturers and consumers alike. **For example, the**

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information for manufacturers' future coupons will be supplied to the clearinghouse and this information is distributed to the servers coupled to the POSes. Similarly, coupon information for regional store chains could be supplied to the clearinghouse for distribution to the individual stores of that region. All of this information is intended for eventual loading onto a consumer's coupon card through the servers and periphery devices 100. Since each coupon card 1 will have an identification number associated with its user and the clearinghouse is receiving from the periphery devices 100 (through the servers 200) **detailed information of the user's purchases, the clearinghouse will be able to compile a detailed database on the purchasing habits (behavior or pattern) of all users of the coupon cards 1. From this database, precise marketing profiles and reports can be provided to manufacturers and other parties seeking to gain information for marketing purposes and this information is used to present targeted incentives to the customers or users of the coupon cards 1 in accordance with their transaction profile.**

In general, the system is configured to identify individual users of the coupon card with the purchases they make. Because periphery device 100 identifies the coupon card 1 being inserted with the person to whom the coupon card 1 is registered and because all items entered into cash register 150 will be read by periphery device 100, **data indicating the purchases made** by each individual using coupon card 1 may be sent to and collected by clearinghouse 300. The compilation of the names of consumers and what they buy into a comprehensive database will allow detailed **consumer micromarketing data (CMD)** to be organized and distributed to **manufacturers** and retailers across the geographical area covered by the coupon redemption system. The system targets specific consumers for specific products

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those consumers may have a tendency to purchase (**consumers regularly use some specific products or the consumers are high volume users of some specific products**). For example, **this data could supply manufacturers with information on the identity of their customers using the manufacturers' products so that manufacturers could take further marketing steps to insure these customers' continued loyalty**. Alternatively, a manufacturer could receive information on which consumers are buying a competitor's products so that a manufacturer could attempt to induce those consumers to switch to his product. The CMD could also identify what consumers are sensitive to particular types of promotions. For example, a manufacturer of a new product promoted as being environmentally safe could secure a list of individuals who typically buy environmentally safe products. Because of the speed and accuracy with which CMD may be compiled, it can help manufacturers determine how a particular promotion is being received by the public and allow the manufacturer to respond appropriately. It will be understood that CMD could be organized in practically an infinite number of ways to produce customized reports, which would help manufacturers and retailers target specific customers for advertising campaigns and promotions.

(P. 32: 11 to P. 33:6).

In short, the coupon card contains a plurality of coupons from at least one product manufacturer (supplier), wherein the coupons are applied on the manufacturer's products or brand and wherein the customer continues to redeem the coupons when buying the manufacturer's brand (repurchasing the manufacturer's brand and redeeming the remaining discounts).

As per claims 2, 3, 5, 7, 10, 11, 12, 15, 17 and 22, Fajkowski discloses a system for providing a coupon card or value card, from a coupon card issuer, containing one or more coupons or multiple coupons on a single product or service to a customer, who uses the coupon card for redeeming one or more stored coupons during a transaction at a POS or retail establishment, wherein, upon inserting the customer's unique coupon card 1 into the retail establishment periphery device 100 and detecting the presence of at least one stored coupon associated with a product in the customer's order (when a product UPC code stored on the coupon card matches a product UPC code in the customer's order), a price reduction is applied to the customer's transaction and the retail establishment is subsequently credited or reimbursed for honoring or redeeming the at least one coupon retrieved from the customer's coupon card 1 (See abstract; page 4: 24 to page 9: 7).

Further, the coupon card 1 may include a customer's identification number, which allows the provider of the coupon card and/or manufacturer (supplier) to uniquely identify each individual user to whom a coupon card 1 is registered, thereby enabling purchase habits or behavior of each individual user to be extracted from collected sale data associated with each user and used by the supplier or manufacturer in further marketing analysis in order to prepare targeted coupon packages for the each individual user, wherein the targeted coupon packages are transmitted to each individual coupon card 1, to offer real-time rebates to a user or to increase/decrease a coupon value of a coupon already stored on an identified coupon card 1 in reaction to the user's response to a current promotion. Indeed, a clearinghouse 300 receives from a plurality of different periphery devices 100, linked to servers 200, related to different stores transaction data associated with the users identified by the coupon cards 1 and compiles a detailed database

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of the purchasing habits or behavior of all users of coupon cards 1. From this database, precise marketing profiles and reports can be provided to the manufacturer or supplier and used to generate customized coupon packages by the manufacturer or supplier for the benefit of the individual users of the coupon cards 1. Coupon data directed to a particular user of a coupon card 1 are transmitted from the manufacturer or supplier to the clearinghouse 300 to be uploaded by a periphery device 100, linked to the clearinghouse 300 via server 200, to the coupon card 1 during a transaction or redemption process at a retail establishment involving the identified coupon card 1 (See abstract; page 4: 24 to page 9: 7; page 19: 27 to page 20: 8; page 32: 11 to page 33: 6).

In addition, the coupon card 1 can store more than one coupon redeemable on a single product. During a redemption process, if more than one coupon from the coupon card 1 is applicable to a single item purchased, a subroutine will be executed, wherein a message is displayed to the bearer or user of the coupon card 1 notifying him of the presence of a multiple coupons redeemable on a single item present in his order and prompt him to select which coupon he wants to redeem on the product at this time. In other words, when more than one coupons are applicable to a single product, one coupon is selected by the user and redeemed during the current shopping trip, while the additional coupons will be redeemed in the future (the coupons are valid at space apart time interval-page 22: 31 to page 23: 6; page 26: 31 to page 27: 14; page 34: 33 to page 35: 27).

Furthermore, Redemption data are transferred to the coupon card 1 by periphery device 100 during a redemption process at the retail establishment (page 28: 26-28). During a transaction process, the periphery device 100 indicates if there is a manufacturer instant rebate for any product currently in the customer's order. In the affirmative, the system or rebate system

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allows the customer to instantly receive credit for the rebate, while quickly and efficiently supplying the manufacturer with both the demographic data and stimulation power the rebate is intended to provide in the first place, wherein the demographic data are used to further measure the effectiveness of the system and to further distribute rebates to the identified user or customer of the coupon card 1 (page 22: 21-24; page 27: 14-31).

Another component of the system will be a clearinghouse 300, which will receive information on redeemed coupons from the servers of all the retailers participating in the system. The clearinghouse will then use this information from the servers 200 to generate reports for each manufacturer regarding the amounts for which each retailer is entitled as reimbursement. The clearinghouse will also act as a remote database transferring information to the servers for the use and benefit of retailers, manufacturers and consumers alike. **For example, the information for manufacturers' future coupons will be supplied to the clearinghouse and this information is distributed to the servers coupled to the POSes. Similarly, coupon information for regional store chains could be supplied to the clearinghouse for distribution to the individual stores of that region. All of this information is intended for eventual loading onto a consumer's coupon card through the servers and periphery devices 100. Since each coupon card 1 will have an identification number associated with its user and the clearinghouse is receiving from the periphery devices 100 (through the servers 200) detailed information of the user's purchases, the clearinghouse will be able to compile a detailed database on the purchasing habits (behavior or pattern) of all users of the coupon cards 1. From this database, precise marketing profiles and reports can be provided to manufacturers and other parties seeking to gain information for marketing purposes and this information is used to present**

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targeted incentives to the customers or users of the coupon cards 1 in accordance with their transaction profile.

In general, the system is configured to identify individual users of the coupon card with the purchases they make. Because periphery device 100 identifies the coupon card 1 being inserted with the person to whom the coupon card 1 is registered and because all items entered into cash register 150 will be read by periphery device 100, **data indicating the purchases made by each individual using coupon card 1 may be sent to and collected by clearinghouse 300.** The compilation of the names of consumers and what they buy into a comprehensive database will allow detailed **consumer micromarketing data (CMD)** to be organized and distributed to **manufacturers** and retailers across the geographical area covered by the coupon redemption system. The system targets specific consumers for specific products those consumers may have a tendency to purchase (**consumers regularly use some specific products or the consumers are high volume users of some specific products**). For example, **this data could supply manufacturers with information on the identity of their customers using the manufacturers' products so that manufacturers could take further marketing steps to insure these customers' continued loyalty.** Alternatively, a manufacturer could receive information on which consumers are buying a competitor's products so that a manufacturer could attempt to induce those consumers to switch to his product. The CMD could also identify what consumers are sensitive to particular types of promotions. For example, a manufacturer of a new product promoted as being environmentally safe could secure a list of individuals who typically buy environmentally safe products. Because of the speed and accuracy with which CMD may be compiled, it can help manufacturers determine how a particular promotion is being received by

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the public and allow the manufacturer to respond appropriately. It will be understood that CMD could be organized in practically an infinite number of ways to produce customized reports, which would help manufacturers and retailers target specific customers for advertising campaigns and promotions.

(P. 32: 11 to P. 33: 6).

As per claim 26, Fajkowski discloses a system wherein a coupon stored on an identified coupon card 1 can be used beyond its expiration date (allowing a coupon to be redeemed beyond its scheduled expiration date). In fact, if the system determines during a redemption process that a customer has purchased an item covered by a coupon stored on the coupon card 1 could not be used or redeemed prior to its expiration date (because the product or item is out of stock and that no re-stocking is expected until after the stored coupon expires), then the stored coupon will be marked in the card memory with a rain checked bar code indicating that the coupon can be redeemed beyond the expiration date (page 22: 21-24; page 27: 14-31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fajkowski, WO 98/19229 in view of Powell, US Patent 5, 887, 271.

As per claim 13, Fajkowski discloses a system wherein during a transaction process, the periphery device 100 indicates if there is a manufacturer instant rebate for any product currently in the customer's order. In the affirmative, the system or rebate system allows the customer to instantly receive credit for the rebate, while quickly and efficiently supplying the manufacturer with both the **demographic data** and stimulation power the rebate is intended to provide in the first place, wherein the demographic data are used to further measure the effectiveness of the system and to further distribute rebates to the identified user or customer of the coupon card 1 (page 22: 21-24; page 27: 14-31). Additionally, Fajkowski discloses a system, wherein a coupon card service provider, such as a clearinghouse or a third party, **working in conjunction with a manufacturer or product supplier distributes the coupon cards** and coupons to the individual customers on behalf of the manufacturer or product supplier, **thereby relieving the manufacturer or supplier from the mundane tasks of distributing the coupon cards and coupons to the registered customers, while concentrating on developing more effective promotional programs using the customers' transaction data.** Before a customer can receive a coupon card 1 from the coupon card service provider, the customer must initially register with the coupon card service provider by providing, among other things, his demographic information, which helps identify the registered customer utilizing an associated identification or a PIN number at a participating POS during a redemption process. While not shown in FIG. 4a, the coupon card 1 could also be equipped with a "Move" key. If the coupon card user or

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customer changes his residence, he may press the "Move" key and coupon card 1 will prompt him to enter (using the numeric keys 31 and "Letters" key 37) his new address and telephone number or demographic parameters. The next time coupon card 1 is inserted into a periphery device 100 or POS, the user's new address and telephone number will be transmitted to the coupon card service provider through the server 200 (The coupon card service provider distributes coupon cards to customers who supply demographic information or based on the customers' demographic profile- P. 8: 33 to P. 9: 7; P. 11: 10-33; P. 13: 17-30; P. 17: 31 to P. 18: 3; P. 25: 1-2; P. 39: 26 to P. 40: 7; P. 43: 9-12).

Here, although Fajkowski discloses providing to a customer by a service provider, working on behalf or in conjunction with a manufacturer or supplier, a coupon card 1 containing a plurality of coupons wherein at least two coupons from the particular manufacturer or supplier are redeemable on a particular product from the manufacturer or supplier and sold by a retailer (said supplier issuing a vehicle for multiple discounts....), wherein the customer's transaction data and **demographic information** are used to present future targeted coupons or rebates to the customer, however, Fajkowski does not explicitly teach a system, wherein the manufacturer or supplier sends the coupon card 1 to the high volume retail or valuable customer **based on the customer's demographic data**.

However, Powell discloses a system for providing a shopper's card or smart card, having encoded thereon coupon information, to a customer, wherein a customer 230 originally obtained

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customer card 235 from a bank (a supplier who does not directly sell products to the customer), by completing an application for the bank, wherein the application contained questions to collect from the customer demographic data, including birth date, income level, past buying patterns, geographic location, size of family, level of education, and job-related data and wherein the bank subsequently wrote customer identification data for customer 230 onto customer card 235, and issued customer card 235 to the customer 230, who will use the card to upload coupon data remotely transmitted from a retailer's system to the customer's PC or at the retailer's in-store kiosk (col. 6: 49 to col. 7: 7).

Moreover, it is common practice in the art to send or provide value cards or shoppers' cards to targeted customers, as a vehicle to participate in an incentive distribution system, in accordance with the customers' demographic profile including geographical location such that customers, having the value cards and living in a targeted geographical location proximate to a local store, will receive products coupons redeemable at the local store, wherein the value cards are operable to store data and wherein the customers' transaction data including redeemed coupon data are provided to the parties of interest (manufacturers, retailers...) and used in marketing analysis to further develop future targeted incentives for the targeted customers (Public disclosure- See enclosed articles).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to combine the above disclosures with the Fajkowski's system so as to provide or to send, by a manufacturer or a third party working in conjunction with the manufacturer or supplier, a value card or coupon card 1 to a targeted customer, living in a geographical location

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of interest, in accordance with the customer's demographic data or profile, wherein the value card or coupon card 1 enables the customer to participate in an incentive distribution program and to receive manufacturer's or supplier's coupons and the manufacturer to collect valuable data corresponding to the identified customer's transaction data including redeemed coupon information used in further marketing analysis to develop more customized coupon packages targeted at the identified customer, thereby allowing the manufacturer to screen or profile a customer using the customer's demographic data such as the customer's home address, having the same zip code as a local store where the coupons can be redeemed, before sending or providing the value card or coupon card 1 at no charge to the customer in an effort to encourage participation in the incentive distribution program, while making sure that the customer receiving the value card or coupon card 1 is more likely to redeem the received coupons at a local store located near his home and while rendering the distribution system more cost effective by targeting customers who are more likely interested in the program.

Response To Applicant's Arguments

The Applicant's arguments are broad in nature and have been addressed in the Office Action. Moreover, the amendments to the claims were either suggested by the Examiner or were meant to further define or clarify the claim language.

Therefore, the Applicant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Applicant's arguments as herein presented are not plausible and thus, the last Office Action, as shown below, is hereby maintained and the current **Office Action has been made Final**.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

“Checking Out The Customer”, a Washington Post article written by Lena H. Sun, discloses a system for providing shoppers’ cards or value cards to targeted customers for participating in an incentive distribution program, wherein the customers’ transaction data are used in further marketing analysis to develop more customized coupon packages targeted at the identified customers.

“A New Dimension In Marketing”, an article by Ronald Tanner in the Progressive Grocer, discloses a system for providing shoppers’ cards or value cards to targeted customers for participating in an incentive distribution program, wherein the customers’ transaction data are used in further marketing analysis to develop more customized coupon packages targeted at the identified customers.

US Patent 5, 380 991 to Valencia discloses a system for allowing a customer to obtain the benefits of reduced prices for certain items without the necessity of redeeming paper coupons. In fact, the manufacturer’s coupons are electronically provided to the customer or shopper via a smart card having encoded in its memory a plurality of discount coupons redeemable on a plurality of products. Furthermore, the smart card stores information or sale data on products that have been purchased by the shopper (purchase behavior or purchase history). The coupons stored on the smart card are redeemed in a conventional manner at a retailer’s POS and information, sale data and discount coupon data, stored on the smart card is updated accordingly (See abstract).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 308-1113. Further, the following fax numbers can be used, if need be, by the Applicant(s):

After Final- 703-872-9327

Before Final -703-872-9326

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Non-Official Draft- 703-746-7240

Customer Service- 703-872-9325

JDJ

10/29/05

Jean D. Janvier

Patent Examiner

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JEAN D. JANVIER
PRIMARY EXAMINER

A handwritten signature in black ink, reading "Jean D. Janvier", written over the printed name and title.